

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 7449, 7468, 7712,
7929, 8251, 8306, 8370, 8476, 8514,
8586, 8711, 8781, 8851, 9017, 9385,
9411, 9671, 10,590, 11,943**

(Jointly Administered)

**SEVENTEENTH URGENT CONSENTED MOTION FOR EXTENSION OF
DEADLINES**

To the Honorable United States District Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), on behalf of the Commonwealth of Puerto Rico (the “Debtor”), pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017, respectfully submits this urgent consented motion for entry of an order, substantially in the form attached hereto

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in the *Order* [ECF No. 10590] (the “Amended Scheduling Order”).²

Request for Relief

1. On June 14, 2019, NextGen HealthCare, Inc. and Quality Systems, Inc. (“Movant”), filed a *Motion for Payment of Administrative Expense Claim of Post-Petition Executory Contract Payments* [ECF No. 7449] (the “Motion”), requesting that the Court enter an order directing the Commonwealth to pay the amount of \$179,510.00. Movant submits that the amounts allegedly owed by the Commonwealth are for post-petition services provided by Movant and thus, entitled to administrative expense priority. See, Motion at p. 7.

2. On January 31, 2020, the Court entered the Amended Scheduling Order which provides that oppositions to the Motion must be filed by February 28, 2020 and Movant’s reply by March 6, 2020.

3. The Debtor and Movant have remained engaged in good faith settlement negotiations for the consensual resolution of the Motion. They have exchanged drafts of a proposed settlement agreement and the Debtor is finalizing the signature of such document.

4. On February 28, 2020, the Debtor filed a non-consented *Urgent Motion for Extension of Deadlines* (the “Non-Consented Extension Motion”) in connection with the Motion, because, prior to the filing thereof, despite conducting all reasonable efforts to contact Movant’s counsel to obtain the Movant’s consent, it was unable to receive a response at that time. [ECF No. 11943]

² The Financial Oversight and Management Board for Puerto Rico, as the Debtor’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized AAFAF to file this Urgent Motion on behalf of the Commonwealth.

5. At this juncture, the Court has not yet entered an order in connection with the Non-Consented Extension Motion; notwithstanding, the Debtor has now received consent from the Movant's counsel for a consented extension to finalize a settlement agreement in connection with the Motion, until March 18, 2020.

6. Accordingly, the Debtor, with Movant's consent, proposes the following extensions of the deadlines set forth in the Amended Scheduling Order:

- The deadline to either inform the Court of the status of the settlement negotiations, execute a settlement agreement in connection therewith, or to otherwise respond to the Motion, shall be extended to **March 18, 2020**.
- The deadline for Movant to file a reply to an opposition, if any, shall be extended to **March 25, 2020**.

7. Finally, the Parties respectfully requests that, through the granting of this motion, the Court deems the Non-Consented Extension Motion as resolved.

8. Pursuant to Paragraph I.H of the *Tenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 8027-1] (the "Case Management Procedures"), the Debtor hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

Notice

9. The Debtor has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for

the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;³ (i) all parties filing a notice of appearance in these Title III cases; and (j) Movant. A copy of the motion is also available on the Debtors' case website at <https://cases.primeclerk.com/puertorico/>.

10. The Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Debtor requests the Court enter the Proposed Order and grant such other relief as is just and proper.

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³ The "Other Interested Parties" include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

Dated: March 2, 2020
San Juan, Puerto Rico

Respectfully submitted,

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Exhibit A

Proposed Order